

Message Text

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FM SECSTATE WASHDC

TO AMEMBASSY SAN JOSE IMMEDIATE

C O N F I D E N T I A L STATE 278673

EXDIS

E.O. 11652: GDS

TAGS: PFOR, CS

SUBJECT: VESCO

1. AT EARLIEST SUITABLE OPPORTUNITY CHARGE IS REQUESTED
TO REVIEW RECENT ASPECTS OF THE VESCO CASE DRAWING ON THE
FOLLOWING POINTS:

2. IT HAS BEEN AND CONTINUES TO BE OUR HOPE AND INTENTION
TO AVOID LETTING THE VESCO ISSUE DAMAGE OUR OVERALL
EXCELLENT RELATIONS WITH COSTA RICA. FOR THIS REASON, WE
BELIEVE IT WOULD BE USEFUL TO REVIEW OUR ROLE IN THIS
MATTER, PAST AND FUTURE, TO REMOVE ANY MISUNDERSTANDINGS.

3. WE HAVE NEVER IMPUGNED THE PROBITY OF COSTA RICAN
COURTS OR THEIR ACTION IN THE VESCO EXTRADITION ATTEMPT.
WE HAD NO HAND IN THE GREER (OCTOBER 14 WASHINGTON POST)
ARTICLE, AND WE UNDERSTAND INFORMALLY THAT THE QUESTIONS
RAISED ABOUT THE COSTA RICAN COURTS WERE BASED ON STATE-
MENTS OF COSTA RICANS IN COSTA RICA. THEY DID NOT COME
FROM THE USG.

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4. PRESIDENT ODUBER SHOULD BE CLEAR THAT THE JACKSON

LETTER WAS AN INITIATIVE OF THE SUBCOMMITTEE, AS ARE THE SUBCOMMITTEE HEARINGS, IN WHICH WE PLAYED NO PART. WE DO NOT KNOW WHETHER THE SENATOR INTENDS TO MAKE THE LETTER PUBLIC. (WE SHOULD TRY TO HEAD OFF ANY BELIEF THAT THE

JACKSON LETTER IS PART OF AN ORCHESTRATED CAMPAIGN AGAINST HIM.)

5. WE HAVE TAKEN GREAT PAINS TO PROCEED IN A STRICTLY LEGAL AND PROPER MANNER IN THIS MATTER. WE HAVE SUPPLIED FACTUAL INFORMATION ON VARIOUS ASPECTS OF THIS CASE TO PEOPLE IN COSTA RICA WHO REQUESTED IT. WE HAVE NOT ENGAGED IN LOBBYING OR PRESSURE TACTICS. WE HAVE KEPT PRESIDENT ODUBER FULLY INFORMED AT EVERY POINT ALONG THE WAY OF DEVELOPMENTS IN THE UNITED STATES RELATING TO THE VESCO MATTER AT HIS REQUEST AND AS A COURTESY TO HIM. THEREFORE, WHILE WE UNDERSTAND THAT VESCO PRESENTS AN INTERNAL POLITICAL PROBLEM FOR COSTA RICA, WE DO NOT UNDERSTAND THE PRESIDENT'S ADVERSE COMMENTS ON THE UNITED STATES IN HIS RECENT LETTER TO CITIZENS GROUP. WHATEVER THE INTERNAL POLITICAL CLIMATE OF COSTA RICA, WE HAVE PLAYED NO ROLE IN THE INTERNAL ANTI-VESCO MOVEMENT, AND ARE NOT OTHERWISE INTERFERING IN INTERNAL COSTA RICAN AFFAIRS.

6. WHILE WE HAVE ATTEMPTED TO AVOID RESPONDING PUBLICLY TO EARLIER STATEMENTS BY PRESIDENT ODUBER CONCERNING U.S. ACTIONS AND MOTIVES IN THE VESCO CASE, STATEMENTS BY HIGH LEVEL COSTA RICAN OFFICIALS MAKE IT INCREASINGLY DIFFICULT FOR US TO CONTINUE TO DO SO. WE MAY HAVE TO RESPOND TO SET THE RECORD STRAIGHT WITH OUR CONGRESS AND PRESS. A CASE IN POINT ARE STATEMENTS SUGGESTING THAT WE WERE LESS THAN SERIOUS IN OUR APPROACH TO THE FIRST EXTRADITION.

7.

THE GOCR SHOULD BE VERY CLEAR ON THE USG LEGAL POSITION:

A. VESCO HAS BEEN INDICTED ON THREE CRIMINAL CHARGES.
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B. HE CANNOT BE TRIED OR CONVICTED OF A CRIMINAL OFFENSE UNLESS HE IS PHYSICALLY PRESENT IN THE U.S. THIS DERIVES FROM OUR CONCEPT OF RIGHT TO SELF-DEFENSE INCLUDING CONFRONTATION OF WITNESSES. (YOU MAY EXPAND UPON THIS BASED ON STATE 268662 GIVEN ODUBER'S APPARENT ACCEPTANCE OF VESCO ARGUMENT THAT HE HAS NEVER BEEN CONVICTED.)

C. THE ONLY WAY TO GET VESCO FOR TRIAL, AGAINST HIS WILL, IS THROUGH EXTRADITION. THIS POSSIBILITY IS BEING GIVEN SERIOUS CONSIDERATION BY THE RESPONSIBLE LAW ENFORCEMENT AGENCIES. BUT THESE AGENCIES HAVE TO CONSIDER THE "VESCO" LAW WHICH SERIOUSLY COMPLICATES ANY NEW EXTRADITION REQUESTS. SOME OF THE PROVISIONS OF THAT LAW ARE INCONSISTENT WITH INTERNATIONAL EXTRADITION PRACTICE AND WITH OUR TREATY.

(FYI: WHILE WE DO WISH TO INDICATE TO PRESIDENT ODUBER THAT THE VESCO LAW DOES POSE SERIOUS DIFFICULTIES FOR US-- SOME OF WHICH WERE POINTED OUT IN OUR AIDE-MEMOIRE OF LAST JUNE--WE DO NOT WISH TO COMMENT DEFINITELY ON WHETHER WE MIGHT SEEK EXTRADITION DESPITE THE VESCO LAW. END FYI.)

8. PRESIDENT ODUBER SHOULD BE CLEAR THAT OUR INTEREST IN VESCO IS BASED ON SERIOUS AND SUBSTANTIAL EVIDENCE THAT HE HAS DEFRAUDED INVESTORS OF OVER DOLS. ONE HUNDRED MILLION THROUGH SELF-BENEFITTING TRANSACTIONS, AND ON THE PENDING CRIMINAL CHARGES AGAINST VESCO.

9. SHOULD THE MATTER OF THE PROPOSED NEW EXTRADITION LAW ARISE, OR IF IT IS OTHERWISE CONVENIENT TO DO SO, WOULD APPRECIATE YOUR SEEKING CLARIFICATION FROM ODUBER OF HIS MESSAGE, TRANSMITTED THROUGH INOCENTE ALVAREZ, THAT THE PROPOSED NEW LAW WOULD BE WORSE THAN THE EXISTING "VESCO" LAW. KISSINGER

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